IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6712 OF 2007

Anil Pradhan .. Petitioner

Versus

Union of India & Ors. .. Respondents

Mr.V.D.Surve for petitioner for petitioner

Ms.S.V.Bharucha for respondent Nos. 1 to 3

CORAM : S.C.DHARMADHIKARI, J.

DATE : 23rd November 2007

P.C.

. This petition is directed against an order passed by the Estate Officer, directing eviction of the petitioner from public premises.

2. Upon inspection of subject premises it was found that the petitioner was not occupying the same but one Nirmal Singh was inducted in the premises along with his family. The said Mr.Singh was found in the premises. Petitioner gave explanation orally that he has shifted to Pune because his son is educating there. Upon this explanation not being found satisfactory, allotment order was cancelled. Compliance was made with the principles of natural justice inasmuch as a show cause notice was issued under the Public Premises Eviction Act. To this notice also no reply is filed. Neither is it the case of petitioner that he has not shifted out of the premises nor that he has not inducted anybody. In such circumstances, the concurrent finding that the allotted premises are not being occupied by the employee viz., the petitioner and his family for whose occupation the same is requisitioned, cannot be said to be erroneous or vitiated as contended. There is no error

apparent nor perversity is disclosed. Both the orders are passed after considering the material on record.

3. This is not a fit case for interference under Article 227 of the Constitution of India. Petition accordingly is dismissed.

(S.C.Dharmadhikari, J)